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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,626	07/16/2003	Hideyuki Narita	450100-04653	9681

7590 01/18/2005
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NEW YORK, NY 10151

EXAMINER

WONG, ALLEN C

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,626

Applicant(s)

NARITA, HIDEYUKI

Examiner

Allen Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☒ Claim(s) 4 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Figure 4 illustrates the present invention and presents the improvements over the prior art teachings, applicant's Figures 1-3.

Specification

1. The disclosure is objected to because of the following informalities: On page 1, "Description of the Related Art", the specification does not clearly label or state what is considered as prior art. In other words, when the applicant discloses applicant's figs.1-3 are conventional video codecs, what does the term "conventional" really mean? Is it prior art? Presentation of the teachings that reference applicant's figs.1-3 is respectfully requested.

2. The interlineations or cancellations made in the specification or amendments to the claims could lead to confusion and mistake during the issue and printing processes.

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3. Accordingly, the portion of the specification or claims as identified below is required to be rewritten before passing the case to issue. See 37 CFR 1.125 and MPEP § 608.01(q).

Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (5,771,081) in view of Fairhurst (5,051,827).

Regarding claim 1, Lee discloses an encoding/decoding means for encoding video data into data complying with a predetermined encoding standard, decoding data complying with the predetermined standard into video data or encoding and encoding data (note fig.1 is a MPEG encoder, with local encoder 10 and 12 as the local encoder and local decoder elements 14 and 16);

a video input/output means for making input processing video data supplied from outside, output processing of the input-processed video data delivered from the encoding/decoding means and delivering the output-processed video data to outside or making data input and output processing (fig.1, note video source is input and the results exiting from element 56 is the output); and

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a control means generating setting information (fig.1, note "rate control" sets the encoding bit rate).

Lee does not specifically disclose "a control means for supplying a start signal indicative of encoding or decoding start timing to the encoding/decoding means while supplying setting information for input/output processing each image included in the video data to the video input/output means; and a delaying means supplied with an external video sync signal synchronous with each image included in the video data supplied to or delivered from the video input/output means and for delaying the input video sync signal a predetermined time; the control means generating the setting information in a timing that is based on the delayed video sync signal delivered from the delaying means and supplying it to the video input/output means." However, Fairhurst teaches the use of controlling the delay of the input or output of the encoder/decoder (col.3, ln.31-64; note the use of delay means with external timing signals and how these delay means affect the input/output). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Lee and Fairhurst, as a whole, for facilitating the encoding/decoding and storage of video data (Fairhurst col.1, ln.54-58).

Note claims 2-3 and 5-7 have similar corresponding elements.

Allowable Subject Matter

3. Claims 4 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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4. The following is a statement of reasons for the indication of allowable subject matter: Lee discloses a bit system for transmitting digital video data. Fairhurst discloses a television signal encoder/decoder configuration control. The prior art does not specifically disclose the specifics of claim 4: "a first timing generating means supplied with a video sync clock synchronous with the video data supplied to or delivered from the video input/output means to generate a first timing signal having a first duration on the basis of the video codec 1 according to the present invention; a second timing generating means supplied with a system clock not synchronous with the video data to generate a second timing signal having a second duration on the basis of the system clock; and a selecting means supplied with the first timing signal, second timing signal and the delayed video sync signal delivered from the delaying means to select any one of these signals and supply it to the control means; the control means generating the start signal on the basis of a signal output from the selecting means and supplying it to the encoding/decoding means." Similarly, dependent claim 8 has patentable subject matter for the same reasons as claim 4.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allen Wong
Examiner
Art Unit 2613

AW
1/13/05